

REMARKS / ARGUMENTS

Status of Claims

Claims 1-13, 15-31, and 33-43 are pending in the application. Claims 10-13, 15-18 and 28-31 stand rejected. Applicant has amended Claims 10, 11, 15 and 28 leaving Claims 10-13, 15-18 and 28-31 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §103(a) have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

Rejections Under 35 U.S.C. §103(a)

Claims 10-13, 15-18 and 28-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brosnihan et al. (U.S. Patent Publication 2003/0090164 hereinafter Brosnihan) in view of Harada (U.S. Patent Publication 2003/0141200 hereinafter Harada) in further view of Gajjar et al. (U.S. Patent 4,891,629).

Applicant traverses these rejections for the following reasons.

Applicant respectfully submits that the obviousness rejection based on the References is improper as the References fail to teach or suggest each and every element of the instant invention in such a manner as to perform as the claimed invention performs. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

Applicant respectfully submits that independent Claims 10 and 28 as amended are not obvious in light of Brosnihan in view of Harada in further view of Gajjar. In the office action, the Examiner stated that Harada discloses an electrical generator coupled to the hydrogen generator by a conduit. [paper 20080225, page 3]. By this amendment, Applicant has amended independent Claims 10 and 28 to further clarify that the electrical

generator is coupled to the electrical generator by a gas conduit. Applicant respectfully draws the Examiners attention to Paragraph [0176] of Harada which states that “pure water is electrolyzed by *feeding an electrical power* required for electrolysis from a power source 261” (emphasis added). [Harada, Paragraph [0176], Page 12]. Harada further discloses that when a decrease in pressure is detected that electrical power is fed to the electrolysis cell 201 from the power source 261. [Harada, Paragraph [0178], Page 12]. Applicant submits that the line illustrated on Figure 9 and Figure 13 of Harada is an electrical line for providing electrical power. Accordingly, Applicant submits that the “electrical generator” disclosed by a Harada is a power source that provides the electrical energy needed by the system to disassociate the water into hydrogen gas and oxygen gas. Applicant further submits that Harada does not disclose, teach or suggest a gas conduit that couples the electrical generator to the hydrogen generator.

Additionally, as Applicant has previously asserted, independent Claims 10 and 28 include a further limitation that the electrical generator is “fluidly coupled” to receive hydrogen gas from the hydrogen generator. Applicant respectfully submits that the disclosure of an electrical connection, as disclosed by Harada, is not the same as a fluid connection. Accordingly, Applicant respectfully submits that Harada fails perform as the claimed invention performs.

In the office action, the Examiner further states that Harada discloses a vent line coupled to the electrical generator. [paper 20080225, Page 3]. Applicant respectfully submits that the electrical power supply 261 is not fluidly coupled to the vent line disclosed by Harada since the only connection discussed by Harada is an electrical connection. However, Applicant has further amended independent Claims 10 and 28 to include the limitation that the vent line is directly coupled to the electrical generator to further clarify that the hydrogen gas exits the electrical generator directly and not through the hydrogen generator. Applicant submits that even giving the claim language its broadest possible interpretation that it does not read on system disclosed by Harada.

In the office action, the Examiner further states that Harada discloses a purity monitor (235) operably coupled to the electrical generator. [paper 20080225, Page 3]. Applicant respectfully disagrees. Harada discloses a resistivity meter that is coupled to a water loop between the high pressure oxygen tank 240 and the water feed tank 241. [Harada, Paragraph[0187]]. The resistivity meter taught by Harada is used to determine the quality of the water, to determine if ion-exchange treatment is needed. [Harada, Paragraph[0189]]. Applicant respectfully submits that the disclosure of a water quality meter fails perform as the claimed invention having a hydrogen purity meter coupled to an electrical generator would perform. Further, the resistivity meter disclosed by Harada does not include means for transmitting a signal to a valve coupled between an electrical generator and the atmosphere as claimed in independent Claims 10 and 28. Accordingly, Applicant respectfully submits that independent Claims 10 and 28 are not obvious in light of Harada.

With respect to Brosnihan, Applicant respectfully submits that independent Claims 10 and 28 are not obvious in light of Harada in further view of Brosnihan. Applicant respectfully submits that Brosnihan does not teach, disclose or suggest a vent line that is directly coupled to the electrical generator and to the atmosphere as claimed in independent Claims 10 and 28. In the office action, the Examiner states that Brosnihan discloses a valve that releases hydrogen-cooling gas from the electrical generator. Applicant respectfully draws the Examiners attention to Paragraph [0024], which was cited by the Examiner. Brosnihan discloses that solenoid valve opens allowing the hydrogen cooling gas to pass through a filter that removes submicron particles that are collected for laboratory analysis. The gas then flows back to the electrical generator via conduit (34). [Brosnihan, Figure 3, Paragraph [0023]]. Accordingly, Applicant respectfully submits that the combination of Harada and Brosnihan fails to perform as the claimed invention performs. Applicant respectfully submits that the combination of Harada and Brosnihan would result in a system that filters and monitors contamination of the hydrogen gas and does not include the claimed limitation of a valve controlled vent

line between an electrical generator and the atmosphere. Accordingly, Applicant submits that independent Claims 10 and 28 are not obvious in light of Harada in view of Brosnihan.

Applicant respectfully submits that Gajjar fails to cure the deficiencies of Harada and Brosnihan. Gajjar discloses a gas analyzer that is used to monitor the constituents of the cooling gases in an electrical generator. [Gajjar, Abstract]. Applicant respectfully submits that Gajjar does not disclose a vent line directly coupled to a hydrogen cooled electrical generator and the atmosphere. Accordingly, Applicant respectfully submits that independent Claims 10 and 28 are not obvious in light Harada in view of Brosnihan in further view of Gajjar. Reconsideration and withdrawal of this rejection is respectfully requested.

With respect to dependent Claims 11-13, 15-18 and 29-31 that depend either directly or indirectly from independent Claims 10 and 28 and therefore incorporate all of the limitations of the parent claim. For at least the reasons discussed above with respect to independent Claims 1 and 28, Applicant respectfully submits that dependent Claims 11-13, 15-18 and 29-31 are not obvious in light of Brosnihan in view of Harada in further view of Gajjar. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of Claims 10-13, 15-18 and 28-31 is respectfully requested.

In view of the foregoing, Applicant submits that the References fail to teach or suggest each and every element of the claimed invention and are therefore wholly inadequate in their teaching of the claimed invention as a whole, fail to motivate one skilled in the art to do what the patent Applicant has done, fail to recognize a problem recognized and solved only by the present invention, fail to offer any reasonable expectation of success in combining the References to perform as the claimed invention performs, fail to teach a modification to prior art that does not render the prior art being

modified unsatisfactory for its intended purpose, and discloses a substantially different invention from the claimed invention, and therefore cannot properly be used to establish a prima facie case of obviousness. Accordingly, Applicant respectfully requests reconsideration and withdrawal of all rejections under 35 U.S.C. §103(a), which Applicant considers to be traversed.

In view of the foregoing, Applicant submits that the application is now in condition for allowance, and respectfully request notice thereof.

If a communication with Applicant's Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any such issues may be promptly resolved.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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